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Note by the President of the Security Council

Attached is a letter dated 12 December 2002 from the Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa addressed to the President, transmitting a set of recommendations relating to the enhancement of the effectiveness of the representatives and special representatives of the Secretary-General in Africa (see annex).

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Annex

I have the honour to forward a copy of a set of recommendations relating to the enhancement of the effectiveness of the representatives and special representatives of the Secretary-General in Africa from the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, which have been agreed by members of the Security Council during informal consultations on 9 December 2002 (see enclosure).

I would like to request that you circulate the present letter and its enclosure as a document of the Security Council.

(*Signed*) Jagdish **Koonjul**
Ambassador
Permanent Representative
Chairman of the Ad Hoc Working Group on
Conflict Prevention and Resolution in Africa

Enclosure

Recommendations of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa on enhancing the effectiveness of the representatives and special representatives of the Secretary-General in Africa, agreed as of 9 December 2002

Members of the Working Group on Conflict Prevention and Resolution in Africa, joined by representatives of the Department of Political Affairs of the United Nations Secretariat and the Office of the African Union Observer Mission to the United Nations, met to share views on recommendations to offer the Secretary-General on how to improve the effectiveness of the representatives and special representatives of the Secretary-General, especially in the African context. The Working Group's discussions were undertaken after reviewing the historical background of the office of the special representatives, the recent expansion in the role and number of special representatives in Africa, and the expanded functions that special representatives have assumed.

Based on the discussion and exchange of views, the Working Group offers the considerations and recommendations on strengthening the effectiveness of the important office of the special representatives of the Secretary-General in Africa set out below.

1.0 Appointment procedures

1.1 **The Secretary-General must retain sole authority to appoint, choose and determine the mandates of special representatives.** The office of the special representatives is a unique and valuable tool of international diplomacy, which the Secretary-General can use on behalf of the international community. Special representatives must be able to speak for the Secretary-General and have the Secretary-General's full confidence, which can only be achieved if the Secretary-General alone selects special representatives and establishes their mandates. Other elements of the United Nations organization that work with special representatives such as the Security Council or specialized United Nations agencies, may offer recommendations to the Secretary-General on the mandates and roles of special representatives for the Secretary-General's consideration, but ultimate responsibility remains with the Secretary-General.

1.2 **The Secretary-General should consult with the Security Council on appointments to ensure success.** The Working Group concluded that special representatives need the full confidence of the Security Council to be effective. The special representative is often the Council's primary source of information on a conflict or post-conflict situation and it is through the special representative that many of the Council's decisions are implemented. Therefore, to ensure that special representatives and the Council can work effectively together, the Secretary-General's office should consult the Council, perhaps through informal dialogue with the President of the Council, before special representatives are named to their posts. Such consultation is not intended to limit the Secretary-General's authority to name special representatives or to politicize the selection process. Rather, it is a way for the Secretary-General and the candidate to find out whether Council Members have

concerns that might keep a special representative from having the Council's full confidence and to take steps to address such concerns early in the process.

2.0 The profile of special representatives

2.1 **In selecting a special representative, the Secretary-General should give equal priority to managerial abilities compared to other qualifications and skills.** The Working Group concluded that in most cases, certainly those in which a special representative will be named to a country in which there is a peacekeeping operation as well as political and humanitarian United Nations agencies on the ground, the Secretary-General must give priority to selecting a special representative with strong managerial and leadership skills. Such skills are now a critical element of a successful special representative's makeup, especially in African missions where the full panoply of United Nations agencies are often on the ground. Sustaining support for large, costly United Nations missions in conflict and post-conflict situations, in Africa and throughout the world, requires that Members have confidence that missions are efficiently managed and operated. A special representative with excellent political and negotiation skills may still fail to achieve success if Members are not convinced that the mission supporting the negotiations is being effectively run.

2.2 **The Secretary-General should strive for gender diversity in the appointments of special representatives.** There is only one woman special representative or deputy special representative currently serving in Africa. The Working Group acknowledges that the most important priority in selecting special representatives is the appointment of the most qualified individual, looking at the full range of skills and abilities needed for a particular post. The Working Group recommends that the Secretary-General ensure that, when selecting a special representative, an effort be made to include equally qualified women among the candidates for consideration.

2.3 **The Secretary-General should not limit the applicant pool of special representatives when naming special representatives to African nations.** Different situations require special representatives with different backgrounds. The Working Group recommends that the Secretary-General not restrict the pool of candidates for the office of special representative to those already working within the United Nations organization, although such individuals will often be excellent candidates in many situations in which knowledge of the United Nations system can be important. Representatives and special representatives from within the United Nations system should generally be recruited at the Assistant Secretary-General level at least. Extending the pool of candidates in that way would also reduce the risk that transferring too many highly qualified and experienced people from within the United Nations system could weaken the ability of the United Nations to manage complex situations from New York. The Working Group also encourages the Secretary-General to consider, in the African context, naming special representatives of African and non-African nationalities. The Working Group acknowledges that often a special representative from the region brings useful knowledge and the confidence of the parties to the post. But too much reliance on naming regional special representatives can be counterproductive, restricts the pool of qualified applicants and can prevent the naming of an individual from outside the region who would bring a new perspective.

3.0 Structure and mandate of the office of the special representative

3.1 **The Secretary-General should always establish the mandates of special representatives on a case-by-case basis.** In making its recommendations, the Working Group fully supports the Secretary-General in avoiding a "one size fits all" model for the office of the special representative. The strength of the office of the special representative is its flexibility to meet a specific situation. The Secretary-General alone will decide whether a given situation requires a special representative to have a deputy, for example, or what the relationship should be between the special representative and other United Nations agency heads. The Working Group offers its recommendations as a model from which to start in shaping mandates of special representatives, especially for those involving large in-country peace-building and peacekeeping operations, but recognizes the need for mandates to be set on a case-by-case basis.

3.2 **In most instances, the Secretary-General should give the special representative clear authority, not just a coordinating role, over all in-country United Nations agencies and peacekeeping operations.** In reviewing past and current United Nations missions headed by a special representative, the Working Group found that special representatives are most effective and overall United Nations missions most successful when the special representative has clear and ultimate decision authority over in-country United Nations agencies. The Working Group concluded, for example, that the authority which the current special representative in Sierra Leone enjoys to set priorities, give guidance to United Nations agencies and in turn be held responsible for the performance of United Nations agencies is a key reason for the success of his United Nations mission. In other peacekeeping operations in Africa, by contrast, the Working Group found that in several instances the role of the special representative is more that of a gatekeeper who oversees meetings at which agencies share information and plans. Real coordination can suffer because intra-agency disagreements are not resolved quickly in such countries but instead are often referred back to New York for resolution.

The Working Group makes the present recommendation to give the special representative real policy guidance and responsibility for all United Nations agencies and operations in full recognition of the important role that resident humanitarian coordinators play in United Nations missions around the world. The Working Group supports the important work of resident coordinators in ensuring that there is no duplication or effort among humanitarian agencies and that their work is coordinated for maximum efficiency. But the Working Group concludes that it is crucial for an effective mission, especially in Africa, where there is often a range of United Nations agencies working, to have the special representative solely responsible for setting policy guidance for United Nations agencies and ensuring that all United Nations agencies understand the overall goals set by the Secretary-General, the Security Council and other organs of the United Nations system. Such authority does not conflict with a resident coordinator's responsibility for day-to-day coordination and consultation among agencies. The Working Group emphasizes, in making the present recommendation, that a special representative is not mandated to override any United Nations agency's existing mandate. The Working Group's recommendation is that special representatives be empowered to ensure that all United Nations agencies, within their mandates, are implementing same policy guidance and understand the mission's goals.

3.3 **The Secretary-General should appoint a strong, empowered deputy for special representatives.** Related to the Working Group's recommendation that special representatives have authority for all in-country United Nations operations is the Working Group's recommendation that a special representative have a strong deputy. That is especially important where there is an in-country peacekeeping operation, which often the special representative exclusively focuses upon, leaving little time to play a strong coordinating role and making it difficult for the special representative to be an honest broker between peacekeeping operations and other United Nations agencies. It is also important in situations where a special representative is called on to play a significant mediation or "political" role, which usually means that he or she cannot give time to the executive/managerial oversight of in-country United Nations operations. If the Secretary-General has determined that a specific mission requires a special representative with strong political and negotiating skills, then it is particularly important that the deputy, who should have representatives status and full authority to speak for the special representative, have managerial abilities and be responsible for day-to-day management of the mission.

3.4 **The Secretary-General should set forth clearly the responsibilities of the special representative and a peacekeeping operations force commander.** The relationship between the special representative and the force commander must be clearly defined and lines of responsibility clearly drawn. Although the special representative is the senior in-country United Nations representative, in the most successful missions the force commander has a clear mandate holding him/her responsible/accountable for the military component of the United Nations mission. Many United Nations missions in Africa with a military component have complex military deployment and force protection issues — the force commander is uniquely qualified to handle those issues and should be clearly responsible for all operational aspects of the military component. The mandate of the special representative should be equally clear: the special representative has policy oversight of the force commander, who serves as the adviser to the special representative on all military issues, and the special representative therefore has ultimate authority over the whole mission, including its military component. The executive role of the special representative is not undermined if the lines of responsibility and accountability between the special representative and force commander are clear from the start.

3.5 **The Secretary-General should hold special representatives accountable for mission safety/security and institutionalize that responsibility.** The special representative is the senior in-country representative of the Secretary-General and, as such, should be responsible for the safety and security of all mission personnel, including troops from contributing countries. To underscore that responsibility, he/she must report back to United Nations Headquarters whenever a member of his/her team is injured or killed in the country of the mission; specifically, an accountability board should routinely determine whether negligence or preventable action on the part of the mission leadership has created circumstances that led to injury or death to members of the mission. That procedure is common in many national diplomatic services. Making it a standardized practice will build confidence among mission personnel, provide special representatives with a standard procedure in which to address any issues arising from incidents involving mission personnel, give confidence to troop-contributing countries and improve the safety and security of United Nations personnel.

4.0 Secretary-General's role in coordination

4.1 **The Secretary-General should encourage coordination between regional and national special representatives.** The Working Group has taken note of the increasing number of regional special representatives, especially in Africa, and recommends that the Secretary-General include in the mandates of special representatives specific requirements for close coordination between regional and country-specific special representatives. The Working Group is concerned that there be an appropriate division of labour between those special representatives tasked to address specific country-specific goals and issues and regional special representatives who are to address issues that cut across borders. It must be clear to national political leaders and other parties that the special representative speaks for the Secretary-General on political and military issues specific to their nation without any risk of conflicting messages from a regional special representative. It is vital that country-specific and regional representatives and special representatives closely coordinate their activities to avoid duplication, overlapping and possible confusion, and to enhance the effectiveness of the role of the United Nations. A clear distribution of labour should therefore be agreed and widely communicated between the national and regional representatives, whose separate roles and mandates should be seen as complementary and not in terms of one being subordinate to the other.

4.2 **The Secretary-General should encourage special representatives to coordinate with regional and subregional organizations.** The Working Group recommends that the Secretary-General give special representatives guidance to more closely cooperate with African regional and subregional organizations, especially those that address conflict prevention and resolution issues. The Working Group concluded that regular consultation with such organizations would not only be an effective source of ideas and information for special representatives in carrying out their duties but would also help to improve such organizations' capabilities to assist in future conflict prevention.

5.0 Improving the capabilities/training of special representatives

The Secretary-General should continue the efforts of the United Nations Institute for Training and Research (UNITAR) to provide "lessons-learned" operational training for special representatives. The Working Group is pleased at the current UNITAR project under way, with the assistance of the United Kingdom Government, to create, as a series of focused lessons-learned briefing materials for special representatives. The Working Group found a need for more hands on management training for special representatives and training in mediation skills, and supports UNITAR efforts to prepare technical and operational handbooks that would include standard operating procedures and requirements.

6.0 The role of the special representative

The Secretary-General should encourage special representatives to focus on results and not the process. The Working Group has concluded that the most effective special representatives are those who focus on the end result and not the process. Some current special representatives in Africa are failing to empower their staff to contact or are themselves failing to personally engage with political actors and rebel forces outside of any agreed-upon process. That approach is often driven by a fear of upsetting the negotiating process rather than an assessment of whether

an action might, in the long run, build a dialogue that achieves the ultimate goal. Special representatives need to have some flexibility to use their discretion to use whatever method and contacts will achieve their mission goals. The Working Group endorses encouraging such discretion for special representatives, but emphasizes the importance of the special representatives using such discretion in the context of ongoing and close consultations with the Secretary-General.